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PART IV-A

Rules and Orders (Other than those published in Parts I, I-A, and I-L) made by the Government of Gujarat under the Central Acts

PORTS AND TRANSPORT DEPARTMENT

NOTIFICATION

Sachivalaya, Gandhinagar, 31st May, 2024

MOTOR VEHICLE ACT, 1988.

No. G/PT/2024/6/PTD/PM/e-file/22/2023/1562/KH :- WHEREAS in the State of Gujarat, over 7000 people lose their lives in road accidents every year on an average. The factors that contribute to road accidents are human error, driver behavior, defects in vehicles, and poor road conditions.

AND WHEREAS it is considered necessary that the officers from the Home Department, Ports and Transport Department and Roads Owning Department or Authority (i.e. Roads and Buildings Department, Urban Development Department and Urban Housing Departments, National Highway Authority of India) are required to visit the locations of the road accidents to investigate the causes and report it to the concerned City Road Safety Committees or, as the case may be, the District Road Safety Committees which are respectively responsible to ensure road safety in the Commissionerate areas and Districts of the State.

NOW THEREFORE, In exercise of the powers conferred by sub-section (1) of section 135 of the Motor Vehicles Act, 1988 (59 of 1988) read with clause (m) of section 4 of the Gujarat Road Safety Authority Act, 2018, the Government of Gujarat hereby makes the following Scheme for joint investigation of Fatal Road Accidents as under: -

1. Short title and commencement. -

- (1) This Scheme may be called the joint investigation of fatal Road Accidents Scheme, 2024.
- (2) It shall come into force on the date of its publication in the *Official Gazette*.

2. Definitions. -

- (1) In these scheme, unless the context otherwise requires, -

- (a) "Accident" means the accident as defined in clause (a) of section 2 of the Gujarat Road Safety Authority Act, 2018;
- (b) "City or District Road Safety Committee" means the City or, as the case may be, the District Road Safety Committee constituted under section 215 of the Motor Vehicles Act, 1988;
- (c) "Joint Investigation Team" means the Joint Investigate Team constituted under clause 2.

- (2) Words and expressions used and not defined but defined in the Motor Vehicles Act, 1988 or, as the case may be, the Gujarat Road Safety Authority Act, 2018 shall have the meanings assigned to them in both the Acts.

3. Constitution of Joint Investigation Team. -

- (1) The road accidents in which one or more fatalities have occurred shall have to be jointly investigated by the officers of the Home Department, Ports and Transport Department and Roads and Buildings Department or Road owning Authority. The officers shall have to jointly visit the site of the road accident.

- (2) There shall be two different teams for joint investigation as under:

(A) Team A: In case of five or less fatalities:

- (i) Home Department: Officer of the rank of the Police Sub-Inspector (PSI) or above
- (ii) Ports and Transport Department: Officer of the rank of Assistant Inspector of Motor Vehicles (AIMV) or above
- (iii) Road Owning Department/Authority:
 - (a) Roads and Buildings Department: Officer of the rank of Assistant Engineer or above of the Roads and Buildings Department or; Equivalent responsible official of the Gujarat State Road Development Corporation (GSRDC).
 - (b) National Highway Authority of India (NHAI): Deputy Manager or above.
 - (c) Urban Development and Urban Housing Department: Assistant Engineer or above of concerned Urban Local Bodies (viz. Municipal Corporations, Municipalities, Urban Development Authorities etc.) such other officer as the authority may nominate.

(B) Team B: In case of more than five fatalities:

- (i) Home Department: Officer of the rank of Deputy Superintendent of Police (Dy. SP)/ Assistant Commissioner of Police (ACP) or above
- (ii) Ports and Transport Department: Officer of the rank of Assistant Regional Transport Officer (ARTO) or above
- (iii) Road Owning Department/Authority:
 - (a) Officer of the rank of Executive Engineer or above of the Roads and Buildings Department or; Equivalent responsible official of the Gujarat State Road Development Corporation (GSRDC).
 - (b) National Highway Authority of India (NHAI): Deputy General Manager or above.
 - (c) Urban Development and Urban Housing Departments: Deputy City Engineer or above of the concerned Urban Local Bodies (viz. Municipal Corporations, Municipalities, Urban Development Authorities, etc.) or such other officer as the Authority may nominate.

- (3) Any road accident occurred by a bus of Gujarat State Road Transport Corporation or Municipal Transport Services, the Depot Manager or the Transport Manager, respectively shall be the part of the investigating team irrespective of the number of fatalities involved.

4. Co-ordination. -

The responsibility of co-ordination with the officers of concerned Departments for joint investigation shall rest with the local Police Inspector in whose jurisdiction the road accident has taken place. On the occurrence of a fatal accident, the Police Inspector shall immediately communicate through call or message and email to the officers of the Home Department, Ports and Transport Department and Road Owning Department/Authority to form the joint investigation team as per the number of fatalities involved.

5. Functions of joint Investigation Team. -

- (1) Within 24 hours of receiving the information about the fatal accident from the Police Inspector, the Joint Investigation Team shall visit the site of a road accident and determine the causative factors behind the road accident like:
 - (a) Driver related issues such as: Fatigue, ill-health, drunken driving, dangerous driving, over-speeding, non-use of safety gears including helmets and seat belts or violation of other traffic rules, etc.
 - (b) Vehicle related issues such as: lack of roadworthiness of vehicle (due to defects in one or more of the following: (1) braking system, (2) steering system, (3) engine & transmission, (4) lighting & signaling (5) tyres, etc.) carriage of goods dangerous to road safety etc.
 - (c) Road related issues such as: defective geometric design, lack of adequate road signages and markings, poor maintenance of road signages and markings, poor carriageway and shoulder conditions, absence of footpath and safe pedestrian crossings, absence of traffic calming measures including speed hump, rumble strip and bar markings, lack of treatment of roadside hazards etc like water bodies along roads, high embankments (>3m), rigid objects like trees, illegal construction, lack of chevron markings at curves, lack of road safety measures along work zones, lack of illumination along stretches of inhabitations on highways and other necessary measures, etc.
- (2) The team shall also make use of iRAD and other latest technology for the road accident investigation as per the requirement. Based on the causes of the road accidents found, the team shall suggest remedial measures to be taken by the concerned stakeholder Departments to prevent road accidents in future.

6. Documentation and submission of the Joint Investigation Report. -

- (1) The Home Department, Ports and Transport Department and Concerned Road Owning Department or Authority, shall prepare the Joint Investigation Report in form as per the Annexure appended to this Scheme.
- (2) The Joint Investigation Report shall clearly mention the factors related to road, vehicle, road users and others that had led to the road accident and the remedial measures needed. The observations shall be substantiated with coloured photographs and videos of the road accident location. The responsibility to ensure completion of entire report and consequent submission shall rest with the officers of the Home Department. The report of the investigation shall be submitted by the Home Department to the concerned City or, as the case may be District Road Safety Committee.

7. Functions of City or, as the case may be District Road Safety Committees. -

- (1) The City or, as the case may be District Road Safety Committees shall meet at least once in a month.
- (2) The Regional Transport Officer or Assistant Regional Transport Officer shall be responsible to include the reports of the Road Accident Investigations in the agenda note of the meetings of City or, as the case may be, the District Road Safety Committees.
- (3) The Deputy Commissioner of Police or Superintendent of Police shall present the reports of Accident Investigations in the meetings of the City or, as the case may be, the District Road Safety Committees. The CCTV footages of the accidents, if available, shall also be presented during the meeting of the City or, as the case may be District Road Safety Committees. The Chairman of the City or, as the case may be, the District Road Safety Committees may instruct DCP/SP for installation of CCTV cameras at vulnerable locations.
- (4) The Chairman of the City or, as the case may be District Road Safety Committee shall issue directions for corrective measures to be taken to the concerned officer of the Government or private entities or individual based on suggestions or recommendations made by the team to prevent fatal road accidents.
- (5) The office of the Deputy Superintendent of Police or Superintendent of Police shall communicate all the reports of accident investigations every three months to the Gujarat Road Safety Authority through the email on cot-trans-rsa@gujarat.gov.in.

- (6) The Home Department, Ports and Transport Department, Road Owning Department or Authority, and others, or an individual or private entity as the case may be, shall be responsible to take corrective road safety measures in a given time limit by City or, as the case may be, the District Road Safety Committees.
- (7) The services of Forensic Science Laboratory, reputed institutes, or road accident investigation experts or firm to carry out accident investigation may be availed by the Police or the City or, as the case may be, District Road Safety Committees in case of major road accidents.
- (8) The following circumstances would be sufficient to initiate proceedings against the responsible Government Officers or institutions or individuals by the Chairman of the City or, as the case may be the District Road Safety Committee in accordance of the provision of the Gujarat Road Safety Authority Act, 2018, namely, -
 - (i) Non-Cooperation or lack of due diligence in the investigation of road accidents;
 - (ii) Non-Compliance of the directions of the City or, as the case may be the District Road Safety Committee on corrective measures.

8. Capacity Building.

The Police and the Gujarat Road Safety Authority shall organize training sessions in Road Accident Investigations for the officers working for carrying out the Road Accident Investigations.

ANNEXURE

Report by Investigation Officer from the Home Department
Clause (6)

Date of Road Accident	
Time of Accident	
Date and Time of Joint Visit	
Place of accident	Latitude: Longitude: Location Description:
Involved Vehicles	
FIR No & Police Station	

Probable causes of the accident based on site visit:

Measures required to be taken based on site visit

Name:

Designation:

Note :

- It is expected that observations on driver, vehicle related issues and condition of roads will be made by the investigating officer.
- Photographs can be attached substantiating the observations.
- If required extra sheets may be attached to record the observations and measures required to be taken.

Report by Investigation Officer from the Road owning Department or Authority
Clause (6)

Date of Road Accident	
Time of Accident	
Date and Time of Joint Visit	
Place of accident	Latitude: Longitude: Location Description:
Involved Vehicles	
FIR No & Police Station	

Observations on Road Conditions contributing to the occurrence of accident:

(Note : Here observations on (i) condition of road markings, (ii) signages, (iii) carriageway and shoulder condition, (iv) availability of footpath & safe pedestrian crossing, (v) presence of traffic calming measures (speed hump, rumble strip etc) especially at junctions, (vi) treatment of roadside hazards, (vii) availability of safe sight distance (viii) geometric design or any other factors which individually or in association with other factors may have led to the accident are expected to be made by the investigating engineer.)

Measures required to be taken based on site visit

Name:

Designation:

Note:

- Photographs can be attached substantiating the observations.
- If required extra sheets may be attached to record the observations and measures required to be taken.

Report by Investigation Officer from the Ports and Transport Department
Clause (6)

Date of Road Accident	
Time of Accident	
Date and Time of Joint Visit	
Place of accident	Latitude: Longitude: Location Description:
Involved Vehicles	
FIR No & Police Station	

Observations on driver and vehicle contributing to the occurrence of accident:

Measures required to be taken based on site visit

Name:
Designation:

Note:

- Photographs can be attached substantiating the observations.
- If required extra sheets may be attached to record the observations and measures required to be taken.

By order and in the name of the Governor of Gujarat,

HARENDRASINH PARMAR,
Deputy Secretary to Government.

